



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,243	05/09/2005	Colin Brown	102790-121 (30063 US/2)	2664
27389 7590 06/27/2007 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER BUSHEY, CHARLES S	
			ART UNIT	PAPER NUMBER
			1724	
			MAIL DATE	DELIVERY MODE
			06/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/534,243		BROWN ET AL.	
	Examiner		Art Unit	
	Scott Bushey		1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007 and 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not provide antecedent basis for a “separate” manifold. Wherein the drawings appears to support the broad claim of a separate manifold, this is not a new matter issue. However, the specification must provide antecedent basis for each element recited within the claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, and 6-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yurdin (Fig. 5; col. 5, lines 10-17).

Applicant should note that the housing (14') around the blower (16) anticipates applicant's “separate manifold”. Further, baffle means (110) provides means within the separate manifold for directing airflow in a desired direction (such as downwardly through opening 46, as shown in Fig. 5). It is noted that applicant's claims certainly do

Art Unit: 1724

not preclude the blower being located within the so-called "separate manifold". It is also noted that the instant specification states at page 4, lines 30-31, that the "manifold may be merely a chamber with an opening".

4. Claims 1, 4, 6-8, and 10-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jane et al '615 (Fig. 4).

Jane et al '615, as previously applied clearly anticipates a vertically aligned wick (73) within a reservoir, wherein air flow through the device enters through inlets (38) in a horizontal direction, passes through the headspace of exposed wick, enters separate manifold (45) in a horizontal direction under the influence of blower (41), and finally exits the blower and the separate manifold in a vertical direction through directing baffles (39), which are located within the separate manifold at the outlet end thereof. It is noted that applicant's claims certainly do not preclude the blower being located within the so-called "separate manifold". It is also noted that the instant specification states at page 4, lines 30-31, that the "manifold may be merely a chamber with an opening".

5. Claims 1, 3, 6-9, 11, and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jane et al '967 (Figs. 8 and 10; col. 4, lines 59-67).

Jane et al '967, as previously applied clearly anticipates a vertically aligned wick (32) within a reservoir, wherein air flow through the device enters through inlets (42) in a horizontal direction, passes through the headspace of exposed wick, enters blower (71) in a horizontal direction, exits the blower in a vertical direction and enters separate manifold (46) in a vertical direction under the influence of blower (71), and finally exits the separate manifold through directing baffles, which are located within the separate

Art Unit: 1724

manifold (46) at the outlet end thereof. It is noted that the instant specification states at page 4, lines 30-31, that the "manifold may be merely a chamber with an opening".

6. Claim 12 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by any one of Mulvaney et al '086 (Fig. 1), Mulvaney '993 (Fig. 1), and Mulvaney '550 (Fig. 1).

Mulvaney et al '086 (Fig. 1), Mulvaney '993 (Fig. 1), and Mulvaney '550 (Fig. 1) each alternatively disclose a device including a reservoir containing a liquid that is wicked up by a wick element, airflow passing the headspace of the exposed wick element in a horizontal direction under the influence of a fan located within a separate manifold, from which the airflow is exhausted from the device in a horizontal direction through at least one vent to the atmosphere. It is noted that applicant's claims certainly do not preclude the blower being located within the so-called "separate manifold". It is also noted that the instant specification states at page 4, lines 30-31, that the "manifold may be merely a chamber with an opening".

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4, 6-8, 10, and 12 have been considered but are moot in view of the new grounds of rejection.

8. Applicant's arguments filed May 16, 2007 have been fully considered but they are not persuasive. The claims as amended with the RCE filed June 6, 2007 have been addressed fully in the rejection statements above. No further discussion is deemed necessary at this time in light of the amendments to the claims, which, although many have been rejected by the same prior art references as before, each rejection has been augmented from its previous recitation to clearly address each of the claimed elements.

Art Unit: 1724


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bushey whose telephone number is 571 272-1153. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott Bushey
Primary Examiner
Art Unit 1724


6-19-07

csb
6-19-07